

DEFENSE CLOSES IN CHECK CASE; MAY END TODAY

Hearing Draws Near End
As Defense Completes
Testimony — Attorney
Tells Of Deed

After testimony of two physicians who had examined the body of Thomas J. Check after the autopsy had been completed, the defense yesterday afternoon closed its case in the preliminary hearing of Victor and Belle Check on a charge of murder. The chief witness of the day was Judge E. W. Lewis of the firm of Armstrong, Lewis & Kruger, attorneys, who told of the warrenty deed he drew up for the Checks on Sept. 31. This morning the state will put on a few rebuttal witnesses and the arguments will begin. It is expected that the case will be completed by this afternoon.

Judge Lewis, who testified at the afternoon session, said that Thomas J. Check, Victor Check and Belle Check came to his office on Sept. 21 and asked him to draw up some papers for them. He then identified a warranty deed as the document he drew up for the Checks on that day. He said the Checks had been sent to his office by the National Bank of Arizona and one of the three explained their purpose. He said he did not remember which one it was, but he thought it was Victor Check who explained their mission. They wanted to transfer some property in Florida, Judge Lewis said, from the father to the son by way of a gift.

The elder Mr. Check, he said, seemed to be very anxious that the matter be concluded that day. As they did not have a complete description of the property, Judge Lewis said, he asked them to postpone the drawing of the deed until the records of the property could be secured. The elder Check, he said, explained that the handling of the property was cumbersome and he wanted his son to assume management of it as soon as possible.

Anxious to Transfer Property
T. J. Check, he said, seemed to be in full control of his faculties and no effort was made on the part of the younger Checks to force him to make the deed. The old gentleman, he said, seemed to want to do what he wanted to do, and he gathered from the conversation that the elder Check wanted to get rid of a lot of worry by making the property to his son. Judge Lewis said he thought the old gentleman was rather gruff and extremely obstinate in wanting things done the way he wanted them done. He was very curt in his remarks to the younger Checks, the judge said.

Some of the property had been sold under contract, Judge Lewis said, they informed him, and he made the deed as to cover all property owned by T. J. Check in Florida. The old gentleman, he said, created an impression that he wanted some income from the property, and then it was to go to the boy. Judge Lewis said he suggested they put a condition in the lease which would give Mr. Check senior an income to protect him, and Victor Check asked his father how he wanted the income. The old gentleman, he said, did not seem to care and ultimately they agreed on \$250 a month.

The question then came up, Judge Lewis said, about a will in the East. T. J. Check, he said, told him his family lawyer in New Jersey had made one or more wills for him which he wanted to revoke. The elder Check, he said, asked his advice about the revocation of the wills. He seemed determined, Judge Lewis said, to revoke the wills, and asked him to write a telegram which he could send to his attorney in New Jersey which would

revoke the wills. Judge Lewis said he wrote a draft of the message and had it typed for Mr. Check.

Wanted Will Revoked
The question of the revocation of the wills, he said, seemed to raise a controversy between Victor and Belle Check and their father. They asked the old gentleman about the several dependents benefited by the will, he said, and tried to persuade the elder Check not to revoke the will, but the latter seemed to be very set about revoking it. They finally persuaded him, Judge Lewis said, to take the telegram with them, and he did not know whether it was sent or not.

The deed was read into the records and was in effect as follows: T. J. Check of East Orange, N. J., in consideration of \$1 and other considerations paid to him by Victor and Belle Check of Topeka, Kan., grants and conveys all farms, stores, dwellings and real estate owned by him in Orange and Seminole counties in Florida. The property is all the real estate owned by Thomas J. Check in those counties and managed by M. E. Robinson, real estate agent in Sanford, Fla., for him. The condition added to the deed stipulated that Victor and Belle Check pay monthly in advance from the income of the property \$250 to Thomas J. Check during his lifetime for his support. The deed was dated September 21, 1920, and according to notations on the back it had been recorded in Seminole county, Florida, on September 23.

Judge Lewis said Mr. Check, Sr., wanted the deed made that day, he told him, because of his health and the trouble the property had been to him. Judge Lewis said he gathered that the property was a lot of odds and ends. The amount of the income from it, he said, was not mentioned. The amount to be paid the old man, he said, was based rather on the comfort of Mr. Check than on the amount of income from the property.

Tells Of Examining Body
Dr. Alexander M. Tutthill, former brigadier general in the United States army, said he had examined the body of Thomas J. Check following the autopsy. He said he noticed a bruise at the corner of the left eye, a faint discoloration on the left side of the head and another on the back of the head. Both hands, he said, were slightly discolored and he found no other bruises on the body or contusions. Contusions on the backs of the hands, he said, were common among elderly people.

The cause of death, he said, was embolism (blood clot) of the internal carotid artery. Hardening of the arteries, he said, often causes embolism, and embolism always causes death suddenly. Slapping, rough treatment and abusive language, he said, will not cause embolism. Dr. Tutthill said he found no contusions on the legs of Mr. Check and found no evidences of the man being struck with force two weeks before his death. He said he did not believe that embolism by the undertaker would remove signs of bruises, but thought if anything bruises became more pronounced after death.

Slapping, pushing, jerking and abusive language would not improve tuberculosis, he said, but he thought it would

not have any effect on embolism or hardening of the arteries.

Dr. R. W. Craig said he examined the body of Thomas J. Check and found only a slight discoloration at the angle of the left eye and some abrasions on the backs of the hands. He said he saw no other contusions on the body of the man. Embolism, he said, was the cause of death. Embolism, he said, is more often found in people who are good feeders, high liver and hard drinkers, and in people who have had things easy all their lives. It usually occurs in old age, he said. Embolism, he said, causes sudden death in most cases.

Slapping, pushing, pulling and jerking, he said, would undoubtedly have an effect on tuberculosis, but he did not believe that such treatment would loosen a blood clot if it were adhered to the walls of an artery or the heart. Rough treatment, he said, would not affect hardening of the arteries or embolism.

Mrs. Wolf Recalled
Mrs. Minnie Wolf was recalled to the stand yesterday morning by L. M. Loney, county attorney, and questioned about an alleged statement she made during a conversation with a neighbor woman. Mrs. Wolf denied she had said anything to the neighbor about the old man being left alone in a stricken condition in front of her home. She denied she had ever made the remark that she hoped when she died she would not be treated in such a manner.

Mrs. Rose M. Donahue said she was with the Checks quite often and they were at her home several times. She said she never saw any unkind treatment by them of the old man and always thought Mrs. Check kept the old man very neat and clean. She told of several trips she had made with the Checks in their car and said no effort had ever been made by the Checks to keep her from going alone with the old man or talking to him.

Mrs. Donahue said she was at the Check apartment on the Sunday following the death of Mr. Check from early afternoon until about 9:30 o'clock, assisting Mrs. Check in packing for their trip east. She said she heard no singing or laughing in the Check apartment that evening. Mrs. Donahue said during the time she knew the Checks she never saw them handle the elder Check roughly. Both Victor and Belle Check, she said, talked in a loud tone, and Victor Check swore now and then in his conversation, but not at anybody in particular. Swearing, she said, seemed to be habitual with him.

Earl Nelson, a carpenter, said he worked at the Tell apartments from October 16 until about November 8, and never heard any beating going on in the Check apartment while he was there. He said he heard quite a bit of quarreling between a man and a woman and he learned later that they were Victor and Belle Check. He never heard them quarreling with the old man, he said, and never heard any screams of pain coming from their apartment.

The case will be continued this morning at 9:30 o'clock.

THE WISE SCHOOLBOY

The schoolmaster was explaining things to the boys in his class. "For instance," I want to introduce water into my hose. I turn it on. The pipes and every convenience are in order, but I get no water. Can any of you tell me why?"

He expected the children to see that it was because he had not made a connection with the main street. The boys looked perplexed. They could not see why the water should refuse to run into his premises after such faultless plumbing.

"Can no one tell me what I have neglected?" reiterated the good man, looking at the many wondering faces bowed down by the weight of the problem.

"I know," squeaked one boy at last; "you don't pay up."

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1917 Ford 5-Pass.

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